

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1172

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AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-8-2-2.7, AS AMENDED BY P.L.170-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:

(1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.

(2) Shaving or trimming beards and mustaches, **including the use of a straight razor.**

(3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.

(b) "Barbering" does not include performing any of the acts described in subsection (a) when done:

(1) in treating illness or disease;

(2) as a student in a beauty culture school; or

(3) without compensation.

SECTION 2. IC 25-8-2-5, AS AMENDED BY P.L.170-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) "Cosmetology" means performing any of the

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following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
- (3) Arching eyebrows.
- (4) ~~Using depilatories.~~ **Removing superfluous hair from the body by the use of depilatories, waxing, or tweezers.**
- (5) Manicuring and pedicuring.
- (6) **Shaving or trimming beards and mustaches.**
- (7) **Giving facials, applying makeup, and giving skin care.**

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a beauty culture school that complies with the notice requirements set forth in IC 25-8-5-6;
- (3) in performing shampooing operations; or
- (4) without compensation.

(c) "Cosmetology" does not include performing the act of threading.

SECTION 3. IC 25-8-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. "Manicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a ~~person~~ **person's hand**.

SECTION 4. IC 25-8-2-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. "Pedicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person's foot.**

SECTION 5. IC 25-8-3-5, AS AMENDED BY P.L.170-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Each of the members of the board must reside in Indiana.

(b) The members of the board must meet the following qualifications:

- (1) Two (2) of the members must:
  - (A) possess a current cosmetologist license; and
  - (B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.
- (2) Two (2) of the members of the board must:



- (A) possess a current barber license; and
- (B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.
- (3) One (1) of the members must be an owner or operator of a beauty culture school. However, the member may not be a licensed barber or cosmetologist.
- (4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.
- (5) One (1) of the members must not have any association with ~~cosmetology or barbering~~, **the practice of beauty culture**, except as a consumer.

SECTION 6. IC 25-8-3-23, AS AMENDED BY P.L.170-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:
  - (A) beauty culture salons; and
  - (B) beauty culture schools;
- (2) establish standards for the practice of cosmetology and the operation of:
  - (A) beauty culture salons; and
  - (B) beauty culture schools;
- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and
- (4) establish requirements for beauty culture school uniforms for students and instructors.

**(b) The board shall adopt rules under IC 4-22-2 to specify whether the definition set forth in IC 25-8-2-5 includes the use of a straight razor.**

~~(b)~~ (c) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, barbering, electrology, esthetics, or manicuring in a mobile salon:

- (1) Sanitation standards.
- (2) Safety requirements.
- (3) Permanent address requirements at which the following are located:
  - (A) Records of appointments.
  - (B) License numbers of employees.
  - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.



SECTION 7. IC 25-8-5-3, AS AMENDED BY P.L.170-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete ~~at least the one thousand five hundred (1,500) the~~ hours of course work required **by the student's specific course of study** to be eligible to sit for the licensing examination;
- (2) no more than ten (10) hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide ~~one (1) instructor for each twenty (20) students or any fraction of that number;~~ **an adequate number of instructors based on the subject matter and manner by which the material is being taught;**
- (5) the school will be operated under the personal supervision of a licensed beauty culture instructor;
- (6) ~~the person~~ **proposed school** has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
  - (A) be separated from the residence by a substantial floor to ceiling partition; and
  - (B) have a separate entry;
- (8) as a requirement for graduation, the proposed school must administer and require the student to pass:
  - (A) a final practical demonstration examination of the acts permitted by the license; and
  - (B) the written examination required under IC 25-8-4-7(b).
- (9) the applicant has paid the fee set forth in IC 25-8-13-3.

**(b) The hours of course work required under subsection (a)(1) for a student to sit for a licensing examination must be at least one thousand five hundred (1,500) hours if the student's course of study leads to the student sitting for either the cosmetology or barber licensing examination.**

SECTION 8. IC 25-8-5-4, AS AMENDED BY P.L.170-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The board may adopt rules under IC 4-22-2 requiring that:

- (1) the curriculum offered by a beauty culture school licensed



under this chapter provide a minimum number of hours of instruction of each of the subjects described in section ~~3(3)~~

**3(a)(3)** of this chapter; and

**(2) the facility be equipped with a minimum amount of space, equipment, and supplies for the specific courses of study the beauty culture school is offering to allow for flexibility in spatial design and equipment needs when the beauty culture school's curriculum and instructional approach is taken into consideration.**

SECTION 9. IC 25-8-5-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.6. The board may adopt rules under IC 4-22-2 that will allow curriculum offered by a beauty culture school licensed under this chapter to be delivered within a distance learning environment. Instructors used in the distance learning environment must be licensed under IC 25-8-6.**

SECTION 10. IC 25-8-7-2, AS AMENDED BY P.L.170-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. A person who wishes to obtain a beauty culture salon license must:**

(1) do one (1) or more of the following:

(A) Select a site for the salon which, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under ~~IC 25-8-3-23(b)~~; **IC 25-8-3-23(c)**;

(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the beauty culture salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the beauty culture salon will be under the personal supervision of a person who is licensed as a beauty culture professional before the application was submitted under this chapter.

SECTION 11. IC 25-8-9-3, AS AMENDED BY P.L.170-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3. The application described in section 2 of this chapter must state that the applicant:**



- (1) is at least ~~eighteen (18)~~ **seventeen (17)** years of age;
- (2) has successfully completed the tenth grade or received the equivalent of tenth grade education;
- (3) has graduated from a beauty culture school;
- (4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for cosmetologist license applicants prescribed by the board;
- (5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and
- (6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a license under this chapter.

SECTION 12. IC 25-8-12.5-4, AS AMENDED BY P.L.177-2009, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. To receive a license issued under this chapter, a person must:

- (1) be at least ~~eighteen (18)~~ **seventeen (17)** years of age;
- (2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;
- (3) have graduated from an esthetics program in a ~~cosmetology~~ **beauty culture** school;
- (4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;
- (5) not have committed an act for which the person could be disciplined under IC 25-8-14; and
- (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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